

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

State of Florida  
Office of Financial Regulation,  
Plaintiff,

Case No.: **50-2021-CA-008718-XXXX-MB**  
CIVIL DIVISION

v.

National Senior Insurance, Inc.  
et. al., including Daniel Cucuiat,  
Defendants.

---

**MOTION TO CONTINUE SPECIAL SET HEARING IN FAVOR OF UMC HEARING  
FOR THE PURPOSE OF PRESENTING BASIS FOR A SPECIAL SET HEARING  
MORE THAN 30 MINUTES**

COMES NOW, the Defendant, Daniel Cucuiat, by and through undersigned counsel, and respectfully moves this Court to adjourn the special set hearing currently scheduled for February 6, 2025, and in support thereof states as follows:

1. This Special Set Hearing was scheduled by Counsel for the Plaintiff without prior consultation with opposing counsel, in violation of the judge's local rules for parties to confer and mutually agree upon a date for such hearing.
2. On November 1, 2024, Counsel for Defendant received an e-mail from Ayleen Blanco of Berger Singerman cc'ed to five Berger Singerman attorneys (attached), which indicated that "the Court has availability for a 15-minute special set on February 6, 2025 at 11:00 am to schedule the hearing on the Motion to Dismiss Plaintiff's Original Complaint and Amended Complaint Against Daniel Cucuiat." The e-mail then requested that the undersigned respond as to his availability (E-mail Attached).

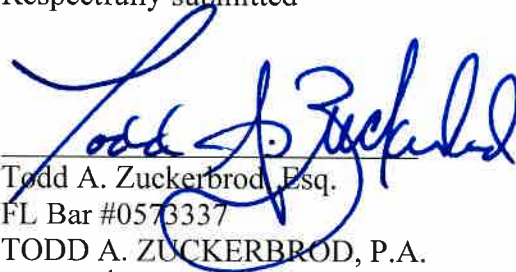
3. Counsel for Defendant responded in a clear and concise manner: “Aylen: I’m available for a 15 minute scheduling hearing on February 6, 2025 at 11:00 am. Todd.”
4. Without any further communication, pleading or motion from Berger Singerman, in connection with the Cucuiat case, the next item received by Defendant in the case was the court order of November 4, 2024, setting the hearing on Defendant’s Motion to Dismiss for 30 minutes on February 6, 2025 at 10:30 am.
5. Counsel for Plaintiff set the special set hearing on Defendant's Motion to Dismiss without conferring with Defendant’s counsel as to the appropriate amount of time to set aside for the hearing. Nevertheless, counsel for the Plaintiff scheduled the special set hearing for 30 minutes. Defendant maintains that 15 minutes per side is insufficient to present his arguments in a fair, reasonable, and non-prejudicial manner.
6. Defendant asserts that additional time is warranted on the grounds that the Motion to Dismiss sets forth twelve (12) independent legal arguments, any one of which would be sufficient to grant Defendant’s motion. In addition, each independent ground for dismissal is supported by case law. Therefore, Defendant would have little more than a minute to present each argument and cite case law for each of the respective 12 grounds for dismissal. Such a circumstance would be impractical and result in undue prejudice to Defendant.
7. As argued in its Motion to Dismiss, Plaintiff has litigated in bad faith. The Plaintiff’s unilateral scheduling of a thirty (30) minute hearing on February 6, 2025, is in contravention of the judges’ own local rules for Special Set Hearings. The 30-minute hearing is not only a thinly veiled attempt to gain a litigation advantage by truncating Defendant’s time for argument; it manifests a pattern of bad faith litigation tactics in this and other cases before this Court.

THEREFORE, Defendant respectfully requests that the Court issue an order to continue the February 6, 2024, hearing date, deem this motion and the Motion to Dismiss to be filed in the

Supplemental Pleading Case No. 50-2023-CA-015245-XXXAMB, as warranted, and to permit Defendant to schedule a UMC hearing in order to establish to the court the need for a longer period of time than 30 minutes for the Special Set Hearing.

Dated: November 27, 2024

Respectfully submitted

A handwritten signature in blue ink, reading "Todd A. Zuckerbrod". The signature is written in a cursive style and is positioned above a horizontal line.

Todd A. Zuckerbrod, Esq.

FL Bar #0573337

TODD A. ZUCKERBROD, P.A.

40 SE 5<sup>th</sup> Street, Suite 400

Boca Raton, FL 3342

Telephone: 561.544.8144

Email: [tz@tzbrokerlaw.com](mailto:tz@tzbrokerlaw.com)

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on November 27, 2024 the foregoing was filed using the Florida E-Portal Filing System, which will serve a copy of the foregoing to the Plaintiff electronically upon electronic service.

Dated: November 27, 2024



Todd A. Zuckerman, Esq.

Brian G. Rich,  
Albert Gregory Melchior  
Bernard Charles Carollo Jr.  
Gavin C. Gaukroger  
Kerry L. Burns  
Daniel J. Stermer  
David L. Luikart  
Gary A. Woodfield  
Gavin C. Gaukroger  
George C. Bedell III  
Harris J. Koroglu,  
Ian M. Ross,  
James C. Moon  
Joshua W. Dobin  
Jeffrey H. Sloman  
John Jeremy Truitt  
Bernard Charles Carollo Jr.  
William Leve  
Joshua W. Dobin  
Carey D. Schreiber  
Michael Niles  
Robert W. Pearce  
Scott A. Orth  
Steven Aaron Roth  
Susan B. Yoffee  
Gary A. Woodfield  
Victoria R. Morris

## Todd Zuckerbrod

---

**From:** Ayleen Blanco <ablanco@bergersingerman.com>  
**Sent:** Friday, November 1, 2024 4:23 PM  
**To:** Todd Zuckerbrod  
**Cc:** Michael J. Niles; Gavin Gaukroger; Kerry Burns; Brian Rich; William O. Diab  
**Subject:** STATE OF FLORIDA OFFICE OF FINANCIAL REGULATION V NATIONAL SENIOR INSURANCE INC Case Number: 50-2021-CA-008718-XXXX-MB

The Court has availability for a 15-minute special set on February 6, 2025, at 11:00 AM, to schedule the hearing on the Motion to Dismiss Plaintiff's Original Complaint and Amended Complaint Against Daniel Cucuiat. Please let us know right away if that day and time works for you, since the court has limited availability.

 **Ayleen Blanco**  
Legal Assistant  
 **Berger Singerman** *Florida's Business Law Firm*  
201 East Las Olas Boulevard | Suite 1500 | Fort Lauderdale, FL 33301  
O: (954)525-9900 | D: (954)712-5114  
 [bergersingerman.com](http://bergersingerman.com)  


\*\*\*\*\*  
**Berger Singerman LLP is not responsible for any government filings that may be required under the Corporate Transparency Act ("CTA"). Unless we have expressly agreed in writing to provide legal advice concerning the CTA, our engagement or communications do not include any such advice, and no attorney-client relationship regarding the CTA is established by this communication.**

***WARNING! WIRE FRAUD AND EMAIL HACKING/PIRATING ARE ON THE RISE! IF YOU HAVE A CLOSING WITH OUR OFFICE AND YOU RECEIVE AN EMAIL CONTAINING WIRE TRANSFER INSTRUCTIONS, DO NOT RESPOND TO THE EMAIL. INSTEAD, CALL OUR OFFICE USING PREVIOUSLY KNOWN CONTACT INFORMATION FOR OUR OFFICE TO VERIFY OUR WIRE TRANSFER INSTRUCTION PRIOR TO SENDING YOUR FUNDS AND NOT THE INFORMATION PROVIDED TO YOU IN ANY SUCH EMAIL.***

**This transmission is intended to be delivered only to the named addressee(s) and may contain information that is confidential, proprietary, attorney work-product or attorney-client privileged. If this information is received by anyone other than the named and intended addressee(s), the recipient should immediately notify the sender by E-MAIL and by telephone at the phone number of the sender listed on the email and obtain instructions as to the disposal of the transmitted material. In no event shall this material be read, used, copied, reproduced, stored or retained by anyone other than the named addressee(s), except with the express consent of the sender or the named addressee(s). Thank you.**

\*\*\*\*\*